

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MOOG INC.,

Plaintiff,

v.

SKYRYSE, INC., ROBERT ALIN
PILKINGTON, MISOOK KIM, and DOES NOS.
1-50,

Defendants.

Case No. 1:22-cv-187

**STIPULATION AND PROPOSED
ORDER RE DEADLINE TO SUBMIT
WRITTEN DISCOVERY DISPUTES**

Plaintiff Moog Inc. (“Plaintiff” or “Moog”) and Defendants Skyrise, Inc. (“Skyrise”), Robert Alin Pilkington (“Pilkington”), and Misook Kim (“Kim”) (collectively, “Defendants”) (Plaintiff and Defendants shall collectively be referred to as the “Parties”) hereby stipulate and agree to the following:

WHEREAS, on March 17, 2022, the Parties filed a Stipulation Re: Expedited Discovery (ECF 33) (the “Expedited Discovery Stipulation”), which was approved by the Court on March 18, 2022 (ECF 36).

WHEREAS, the Parties subsequently stipulated that their deadline to submit written discovery disputes to the Court for resolution would be June 16, 2022 (ECF 137).

WHEREAS, the Court extended the deadline to submit written discovery disputes for documents not turned over to the neutral forensics firm, iDS, from June 16, 2022 to June 30, 2022 (ECF 164).

WHEREAS, the Court extended the deadline to submit written discovery disputes for documents and devices turned over to iDS from June 16, 2022 to July 14, 2022 (ECF 164).

WHEREAS, on June 28, 2022, Moog re-produced certain documents in order to correct a technical issue, and has agreed that Skyryse's deadline to move to compel on issues related to the affected documents should be continued.

WHEREAS, the Parties also agree that additional time is warranted to review and potentially move to compel on issues related to any supplemental productions of code, including any source code produced in response to Moog's Interrogatory No. 1.

WHEREAS, on July 1, 2022, and pursuant to the Parties' meet and confer correspondence, Moog produced additional documents responsive to Skyryse's RFPs Nos. 9 and 11 and does not anticipate making any further productions in response to these requests.

WHEREAS, on July 7, 2022, and pursuant to the Parties' meet and confer correspondence, Moog produced additional documents responsive to Skyryse's RFP No. 10, and does not anticipate making any further productions in response to this request.

WHEREAS, Moog intends to produce additional documents responsive to Skyryse's RFP No. 12 pursuant to the Parties' meet and confer correspondence to the extent any such documents exist and, if no additional documents exist, Moog will advise Skyryse accordingly.

WHEREAS, Moog may produce additional documents responsive to Skyryse's RFP No. 4, and, if no additional documents exist, Moog will advise Skyryse accordingly.

WHEREAS, Moog intends to produce certain metadata for its prior productions.

WHEREAS, Skyryse intends to produce responsive documents collected from the personal devices of certain Skyryse employees.

WHEREAS, the Parties need additional time to review these supplemental productions beyond the June 30, 2022 deadline in order to determine whether there will be any disputes pertaining to that discovery that require resolution by the Court, and agree that additional time is

appropriate for this purpose.

WHEREAS, the Parties' access to devices turned over to iDS has been delayed, and additional time will be needed to inspect those devices and documents beyond the July 14, 2022 deadline in order to determine whether there will be any disputes pertaining to that discovery that require resolution by the Court, and the Parties agree that additional time is appropriate for this purpose.

NOW THEREFORE, subject to the Court's approval, the Parties stipulate and agree as follows:

1. With respect to the above-referenced documents or metadata that the Parties have produced or do produce on or after June 27, 2022, the Parties' deadline to submit to the Court any disputes related to those documents or metadata is continued for seven (7) days after those documents or metadata are produced.
2. With respect to the devices and documents turned over to iDS, the Parties' deadline to submit to the Court any disputes related to those devices and documents is continued for three (3) weeks, from July 14, 2022 to August 4, 2022.
3. Nothing in this stipulation shall prejudice any Party's right to seek further extensions to the agreed-upon discovery deadlines for reasons unrelated to those discussed above.

IT IS SO STIPULATED.

DATED: July 14, 2022

<p>SHEPPARD, MULLIN, RICHTER & HAMPTON LLP</p> <p>HODGSON RUSS LLP</p> <p>By: <u>/s/ Kazim Naqvi</u> Counsel for Plaintiff Moog Inc.</p>	<p>LATHAM & WATKINS, LLP</p> <p>HARRIS BEACH PLLC</p> <p>By: <u>/s/ Gabriel S. Gross</u> Counsel for Defendant Skyrise, Inc.</p>
<p>WINGET, SPADAFORA & SCHWARTZBERG, LLP</p> <p>By: <u>/s/ Anthony Green</u> Counsel for Defendant Robert Alin Pilkington</p>	<p>WINGET, SPADAFORA & SCHWARTZBERG, LLP</p> <p>By: <u>/s/ Anthony Green</u> Counsel for Defendant Misook Kim</p>

IT IS SO ORDERED.

<p>DATED _____, 2022</p>	<p>_____</p> <p>The Honorable Jeremiah J. McCarthy</p>
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